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10/733,616

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Rami C. Levy

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Larry G. Brown  
Motorola, Inc.  
Law Department  
8000 West Sunrise Boulevard  
Fort Lauderdale, FL 33322

EXAMINER

CASCA, FRED A

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,616

Applicant(s)

LEVY ET AL.

Examiner

Fred A. Casca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections –35 U.S.C. 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al., U.S. Pub. No. 2003/0013456 A1.

Referring to claim 1, Bates discloses a method of providing information about a communications device (Abstract and paragraph 0006, “method, apparatus and system for notifying a user”), comprising the steps of establishing a communications connection between a first mobile communications unit and at least a second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection), transmitting from the first mobile communications unit to the second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit (paragraph 0006, note that the location of the mobile terminals are determined for each other and transmitted ), and informing a user of the second mobile communications unit of the conditions of the operational parameters of the first mobile communications unit (paragraph 0006, note the user is notified about the other user’s location. Further note

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that information about the location of the first mobile terminal is automatically sent to the second mobile station through the base station and other network switches).

Referring to claim 2, Bates discloses the method according to claim 1, further comprising the steps of transmitting from the second mobile communications unit to the first mobile communications unit a condition of at least one operational parameter of the second mobile communications unit; and informing a user of the first mobile communications unit of the conditions of the operational parameters of the second mobile communications unit (paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

Referring to claim 3, Bates discloses the method according to claim 1, wherein the operational parameters of the first mobile communications unit are at least one of a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator and a phone type indicator (paragraphs 0006 and 0026-0027).

Referring to claim 4, Bates discloses the method according to claim 1, wherein said transmitting step comprises the step of selectively transmitting from the first mobile communications unit to the second mobile communications unit the conditions of the operational parameters of the first mobile communications unit such that the conditions of only selected operational parameters of the first mobile communications unit are transmitted to the second mobile communications unit (paragraphs 0006 and 0026-0027).

Referring to claim 5, Bates discloses the method according to claim 4, wherein said establishing step comprises the step of establishing the communications connection between the first mobile communications unit, the second mobile communications unit and a network, wherein the network selects the operational parameters whose condition is transmitted to the second mobile communications unit (paragraphs 0006 and 0026-0027).

Referring to claim 12, Bates discloses a system for providing information about a communications device (Abstract and paragraph 0006, "method, apparatus and system for notifying a user"), comprising a first mobile communications unit having at least one operational parameter, and a second mobile communications unit (Abstract and paragraphs 0006-0008, note that there are two mobile stations and their location is the considered operational parameter), wherein a communications connection is established between the first and second mobile communications units (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection) and at least one condition of the operational parameters of the first mobile communications unit is transmitted from the first mobile communications unit to the second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the location of the mobile terminals are determined for each other and transmitted), wherein the second mobile communications unit has a user interface for informing a user of the second mobile communications unit of the conditions of the operational parameters of the first mobile communications unit (paragraph 0006, note the

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user is notified about the other user's location, hence there is a user interface for the second mobile unit in order receive notification messages ).

Referring to claim 13, Bates discloses the system according to claim 12, wherein the first mobile communications unit has a user interface and the second mobile communications unit has at least one operational parameter, wherein a condition of the operational parameters of the second mobile communications unit is transmitted from the second mobile communications unit to the first mobile communications unit, wherein the first mobile communications unit through the first mobile communications unit user interface informs a user of the first mobile communications unit of the conditions of the second mobile communications unit (paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

Referring to claim 14, Bates discloses the system according to claim 12, wherein the operational parameters of the first mobile communications unit are at least one of a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator and a phone type indicator (paragraphs 0006 and 0026-0027).

Referring to claim 15, Bates discloses the system according to claim 12, wherein the conditions of the operational parameters of the first mobile communications unit are selectively transmitted from the first mobile communications unit to the second mobile communications unit such that the conditions of only selected operational parameters of

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the first mobile communications unit are transmitted to the second mobile communications unit (paragraphs 0006 and 0026-0027).

Referring to claim 16, Bates discloses the system according to claim 15, further comprising a communications network, wherein the communication network selects the operational parameters whose condition is transmitted to the second mobile communications unit (paragraphs 0006 and 0026-0027).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al., U.S. Pub. No. 2003/0013456 A1., in view of Collier et al., U.S. Pub. No. 2002/0123309 A1.

Referring to claim 11, Bates discloses the method of claim 1.

Bates does not specifically disclose the step of modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters.

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Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier, instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.

Referring to claim 22, Bates discloses the system according to claim 12.

Bates does not disclose the conditions of the operational parameters are modified to enable the second mobile communications unit to process the conditions of the operational parameters.

Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier, instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.



5. Claim 6-10, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al., U.S. Pub. No. 2003/0013456 A1., in view of well known prior art (MPEP 2144.03).

Referring to claim 6, Bates discloses the method according to claim 4.

Bates does not disclose the first mobile communications unit selects the operational parameters.

The examiner takes official notice of the fact that it is well known in the art to select the operational parameters by a processor of the mobile terminals, to select the operational parameters whose condition is transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 7, Bates discloses the method according to claim 1.

Bates does not disclose the informing step comprises the step of displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to notify a user of a mobile terminal by displaying at least one icon, broadcasting at least one audio tone and vibration.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates by providing other means of notification, e.g.,

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displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 8, Bates discloses the method according to claim 7.

Bates does not disclose the icons, the audio tones and the vibrations are distinguishable from any second icons, audio tones and vibrations that are used to display, broadcast and inform a user of a condition of operational parameters of the second mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to have distinguishable notification signals.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by providing distinguishable alerts, motivation being for the purpose of getting the user's attention.

Referring to claim 9, Bates discloses the method according to claim 1.

Bates does not disclose conditions of the operational parameters are transmitted over a control channel.

The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

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It would have been obvious to one of ordinary skill to modify the system of Bates by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

Referring to claim 10, Bates discloses the method according to claim 1.

Bates does not disclose the conditions of the operational parameters are transmitted at periodic interval.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Bates by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

Referring to claim 17, Bates discloses the system according to claim 15.

Bates does not the first mobile communications unit has a processor programmed to select the operational Parameters.

The examiner takes official notice of the fact that it is well known in the art to provide a processor to the mobile terminals.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Bates by providing the processor of the terminal of Bates to be programmed to select the operational parameters whose condition is

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transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 18, Bates discloses the system according to claim 12.

Bates does not disclose the informing step comprises the step of displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to notify a user of a mobile terminal by displaying at least one icon, broadcasting at least one audio tone and vibration.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates by providing other means of notification, e.g., displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 19, Bates discloses the system according to claim 18.

Bates does not disclose the icons, the audio tones and the vibrations are distinguishable from any second icons, audio tones and vibrations that are used to

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display, broadcast and inform a user of a condition of operational parameters of the second mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to have distinguishable notification signals.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Bates by providing distinguishable alerts, motivation being for the purpose of getting the user's attention.

Referring to claim 20, Bates discloses the system according to claim 12.

Bates does not disclose conditions of the operational parameters are transmitted over a control channel.

The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

It would have been obvious to one the ordinary to modify the system of Bates by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

Referring to claim 21, Bates discloses the system according to claim 12.

Bates does not disclose the conditions of the operational parameters are transmitted at periodic intervals.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

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It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huomo et al U.S. Pub. No. 2003/0022671 A1 discloses a method for transferring a call in wireless systems.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
9/6/05  
**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**